

**AGENDA MEMO**

**CITY COUNCIL MEETING DATE: JULY 12, 2006**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: ABEYANCE - VAR-12168 - APPLICANT/OWNER: PORTICO PROPERTIES**

---

***THIS ITEM WAS HELD IN ABEYANCE FROM THE JUNE 21, 2006 CITY COUNCIL MEETING AT THE REQUEST OF THE APPLICANT.***

**\*\* CONDITIONS \*\***

Staff recommends DENIAL. The Planning Commission (4-3 vote/se, ld, sd) recommends APPROVAL, subject to:

**Planning and Development**

1. Approval of and conformance to the Conditions of Approval for Rezoning (ZON-12167), and Site Development Plan Review (SDR-12165).
2. This Variance shall expire two years from the date of final approval, unless it is exercised or an Extension of Time is granted by the City of Las Vegas.

**\*\* STAFF REPORT \*\***

**APPLICATION REQUEST**

This is a request for a Variance to allow 346 parking spaces where 351 spaces are required for a proposed addition to an existing apartment complex, on 8.6 acres at 2301 Valley View Boulevard.

**EXECUTIVE SUMMARY**

The applicant has created a self-imposed hardship through the applicant's choice to convert a storage building into six apartments. A reduction in the amount of new apartments or the provision of additional parking spaces would allow conformance to the Title 19 requirements. Therefore, denial is recommended.

**BACKGROUND INFORMATION**

***A) Related Actions***

- |          |  |
|----------|--|
| 1976     | Apartments were constructed on the subject site.   |
| 04/13/06 | The Planning Commission recommended approval of a companion General Plan Amendment (GPA-12164), a Rezoning (ZON-12167), and a Site Development Plan Review (SDR-12165) concurrently with this application. |
| 04/13/06 | The Planning Commission voted 4-3/se, ld, sd to recommend APPROVAL (PC Agenda Item #19/ar).  |

***B) Pre-Application Meeting***

- |          |  |
|----------|--|
| 02/17/06 | Staff noted the following issues at the pre-application meeting: <ul style="list-style-type: none"><li>▪ All off-street parking needs to comply with Title 19.10</li><li>▪ A Variance will be required to allow 346 parking spaces where 351 are required.</li><li>▪ Staff suggested that the applicant meet with the Building and Safety Department to discuss building code issues.</li><li>▪ The applicant is required to hold a neighborhood meeting in conjunction with the related General Plan Amendment application.</li></ul> |
|----------|--|

***C) Neighborhood Meetings***

Per policy set forth in the city of Las Vegas application packet, a neighborhood meeting for the related General Plan Amendment (GPA-12164) is required to be held with the surrounding property owners. The applicant is requested to hold this meeting within 14 days of the closing date of this application. In accordance with the above, on Thursday, March 16, 2006, a meeting was held at the Spanish Oaks Apartments clubhouse/leasing office, located at 2301 Valley View Boulevard.

Two people attended and had the following questions/comments:

- Concerns about what was going to be built adjacent to the northern boundary of the property.
- Would the project hurt the surrounding property values?
- Is the project going to add landscaping?
- Architect noted that no new buildings would be built.
- An existing single story storage area is proposed to be converted into six studio units.
- The Architect walked outside to show the two residents where the storage units were located.
- No objections to the proposal other than the questions stated above were provided.

**DETAILS OF APPLICATION REQUEST**

***A) Site Area***

Gross Acres: 8.6

***B) Existing Land Use***

Subject Property	Apartments
North	Townhomes
South	Shopping center
East	Townhomes
West	Single Family Dwellings

***C) Planned Land Use***

Subject Property	M (Medium Density Residential)
North	L (Low Density Residential)
South	SC (Service Commercial)
East	L (Low Density Residential)
West	L (Low Density Residential)

**D) Existing Zoning**

Subject Property	R-3 (Medium Density Residential)
North	R-PD6 (Residential Planned Development, 6 units per acre)
South	C-1 (Limited Commercial)
East	R-PD6 (Residential Planned Development, 6 units per acre)
West	R-1 (Single Family Residential)

<b><i>SPECIAL DISTRICTS/ZONES</i></b>	<b>YES</b>	<b>NO</b>
SPECIAL PLAN AREA		X
RURAL PRESERVATION NEIGHBORHOOD		X
RURAL PRESERVATION NEIGHBORHOOD BUFFER		X
PROJECT OF REGIONAL SIGNIFICANCE		X

There are no special plan areas or overlays that affect this application.

**ANALYSIS**

**A) Zoning Code Compliance**

**A1) Parking and Traffic Standards**

Pursuant to Title 19.10, the following Parking Standards apply to the subject proposal:

Uses	Required			Provided	
	Ratio	Parking		Parking	
		Regular	Handicap	Regular	Handicap
144 existing one bedroom units;	1.25 spaces per one bdrm unit;	180 spaces			12 spaces
6 proposed one bedroom units	1.25 spaces per one bdrm unit;	8 spaces			
72 two bedroom units	1.75 spaces per two bdrm unit;	126 spaces			
Guest spaces	1/6 units	37 spaces			
TOTAL		351 spaces	*	346 spaces	12 spaces of 346 spaces

\*Handicapped parking for residential uses shall be provided at the rate of one space for each dwelling unit that is designed for occupancy by the handicapped.

***B) General Analysis and Discussion***

The existing and proposed apartments require a total of 351 parking spaces. A total of 346 spaces are shown.

The applicant is requesting a Variance to allow 346 parking spaces where 351 spaces are required for the proposed conversion of an existing storage building to six one-bedroom apartments within an existing apartment complex,. The Variance is a deviation of 1.5% percent from Title 19.10 requirements, and will result in inadequate parking for the types of uses proposed. An alternative design would allow for additional parking within the building and conformance with Title 19.10 requirements. In view of the absence of any hardships imposed by the site's physical characteristics, it is concluded that the applicant's hardship is preferential in nature, and is therefore not recommended.

**FINDINGS**

In accordance with the provisions of Title 19.18.070(B), Planning Commission and City Council, in considering the merits of a Variance request, shall not grant a Variance in order to:

1. Permit a use in a zoning district in which the use is not allowed;
2. Vary any minimum spacing requirement between uses;
3. Relieve a hardship which is solely personal, self-created or financial in nature."

Additionally, Title 19.18.070L states:

"Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution."

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship through the applicant's choice to convert a storage building into six apartments. A reduction in the amount of new apartments or the provision of additional parking spaces would allow conformance to the Title 19 requirements. In view of the absence of any hardships imposed by the site's physical characteristics, it is concluded that the applicant's hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED**

18

**ASSEMBLY DISTRICT** 9

**SENATE DISTRICT** 3

**NOTICES MAILED** 402 by City Clerk

**APPROVALS** 0

**PROTESTS** 0